



411 East Wisconsin Avenue
Suite 2040
Milwaukee, Wisconsin 53202-4497
414.277.5000
Fax 414.271.3552
www.quarles.com

Attorneys at Law in
Milwaukee and Madison, Wisconsin
Naples and Boca Raton, Florida
Phoenix and Tucson, Arizona
Chicago, Illinois (Quarles & Brady LLC)

Facsimile Transmission Form

Date: September 25, 2003

To:	Fax No.	Phone No.
Name: Examiner Ella Colbert Company/Firm: U.S. Patent and Trademark Office City, State Zip: Alexandria VA Country: U.S.	(703) 746-5622	(703) 308-7064

From:	Keith M. Baxter	414.978.8719	414.277.5719
Re:	Serial No. 09/259,619 Filed March 1, 1999 Inventor: Timothy Labadie		

Message: AGENDA (attached) FOR OCTOBER 8, 2003 CONFERENCE CALL AT 1:00 P.M. EST

**IF YOU HAVE PROBLEMS RECEIVING THIS FACSIMILE, PLEASE CALL US IMMEDIATELY AT:
414.277.5595, except after 5:30 pm Central time, call 414.277.5404**

No. of Pages (Including Cover): <u>2</u>	Job Code: _____	
Client - Matter No.: <u>210655.90018</u>	Time Keeper: <u>KMB</u>	
Recipient: <u>Examiner Ella Colbert</u>	Return To:	<u>Kathy Gregovich</u>
Requestor Name: _____	Phone No.: <u>(414) 277-5706</u>	

IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND/OR CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA REGULAR POSTAL SERVICE. THANK YOU.

AGENDA FOR TELEPHONE CONFERENCE

Date October 8, 2003, 1:00 PM EST

Participants: Examiner Ella Colbert, Keith M. Baxter (attorney of record),
Timothy Labadie (inventor), Randy Salenfriend of assignee CrossCheck

Background

This case involves a computer system and business method allowing standard printed checks to be used for Internet purchases. Examiner Jeffrey Rossi in Unit 2165 initially prosecuted the case but then left the Patent Office and the case was transferred to Examiner Colbert.

Agenda Items:

The goal of this telephone conference is focus the issues that must be resolved before allowance of this application. Mr. Timothy Labadie will be available for questioning by the Examiner and is knowledgeable about the invention as well its commercial success. Generally, the Applicant would like to address the following issues:

*Dave
Siembieda
Randy
Salenfriend*

1) Are there simple amendments to the claims that would eliminate any undue breadth? In the most recent Office Action, on page 11, section 20, paragraph 1, the Examiner suggests that the claim language may be unduly broad and may require additional clarification.

2) How do elements of the prior art match to elements of the claims? Applicant cannot currently establish a one-to-one matching between elements of the prior art and elements of the claims as they stand. Applicant believes that some single elements of the prior art are being applied to multiple elements of the claims and that some limitations of the claims, for example, "merchant" and "customer" may be being read out of the claims. Applicant hopes to understand better the current rejection.

3) What steps can be taken to correct the affidavit of commercial success? Applicant has submitted an affidavit of commercial success generally explaining how previous check truncation methods have not been suitable for the Internet and indicating the commercial success of CrossCheck's check processing service that follows the teachings of the current claims. Applicant would like to discuss changes or supplements to this affidavit that would establish non-obviousness to the Office's satisfaction, as we believe the facts support this conclusion.

QBMKE\5063346.1